IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7822 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GSRTC

Versus

REVACHAND MAGANLAL MANIK

Appearance:

MR HS MUNSHAW for Petitioner

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 17/07/2000

ORAL JUDGEMENT

#. Heard the learned counsel on behalf of the petitioner. It is submitted that the respondent-Revachand Maganlal Manik was working as a driver with the Gujarat State Road Transport Corporation (hereinafter referred to as the Corporation) and while on

duty he committed an accident. It is further admitted by the learned counsel on behalf of the petitioner that in the criminal case the respondent was acquitted on merit. However, because of the accident, the departmental proceedings was initiated against the respondent and in the departmental proceedings, the misconduct against the respondent - driver was proved. The Disciplinary Authority, after considering the report of the Inquiring Officer and after hearing the respondent, passed an order of dismissal from service on 3.8.1994. Against the order of the dismissal the respondent filed Appeal before the First Appellate Authority of the Corporation which rejected the same on 27.1.1995. The respondent thereafter filed Second Appeal and simultaneously he moved the Labour Court, Junagadh by challenging the order of his dismissal. The Labour Court registered the case as Ref.(LCJ) No.118 of 1995 and the Labour Court, after taking the evidence, both oral and documentary set aside the order of dismissal and directed the Corporation to reinstate the respondent with continuity of service but without payment of back wages.

#. It is submitted by the learned counsel on behalf of the petitioner that the respondent has not yet been reinstated in service as per the order of the Labour Court. It appears that the respondent was dismissed from service ion 3.8.1994. Even though the Labour Court has passed the order for reinstatement, the Labour Court did not allow the back wages to the respondent. In view of the fact that the respondent was acquitted from the criminal charges on merits, I am of the view that sufficient punishment has been awarded to the respondent by refusing back wages from 3.8.1994 till the date of reinstatement. I am of the view that the respondent be reinstated in service immediately by the Corporation. In view of the aforesaid facts and circumstances there is no merit in this petition and the same is summarily rejected.

(P.K.Sarkar.J)

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